REMARKS

Claims pending in the instant application are numbered 1-34. Claims 1-34 presently stand rejected. The Applicant respectfully requests reconsideration of the present application in view of the amendments and the following remarks.

35 U.S.C. § 102 Rejections

Claims 1-34 are rejected under 35 U.S.C. § 102(e) as being anticipated by Edholm, U.S. Pub. No. US2003/0067940.

Claim 1 as presently amended expressly recites:

A method, comprising:

receiving packets at a machine, wherein packets received at the machine are indicated to a protocol stack at the machine;

monitoring a level of a packet queue of the protocol stack at the machine; and

disabling a normal incoming packet procedure at the machine in response to the level of the packet queue satisfying an entry condition and enabling an alternate incoming packet procedure at the machine, the alternate incoming packet procedure including indicating new packets received at the machine, if any, to the protocol stack at an indication rate in response to a packet processing rate and altering the indication rate in response to the level of the packet queue satisfying one or more secondary conditions, if any.

Edholm is directed to end node pacing. In Figure 2 of Edholm, control application 216 of client 204 negotiates a bandwidth for data transfer between network 208 and client 204 ([0026]). Figure 3 of Edholm illustrates a system to pace data transmissions from a data transmission application 304 to network 308 ([0027]). Thus, Figure 3 discloses transmission procedures at the <u>transmission end and not at the receive end</u>. Control application 332 controls the rate packets are <u>transmitted at the transmission device</u>. Control application 332 does not disable a normal incoming packet procedure at client 204 or enable an alternative incoming packet procedure at client 204.

Edholm discloses that the receiving device maintains transmissions at the transmitting device to remain within in a predetermined bandwidth ([0025]). Edholm does not disclose that the control application changes <u>client 204's incoming packet procedures</u> based on a level of a packet queue <u>at client 204</u>. Edholm does not disclose that procedures for handling incoming packets at client 204 changes between a normal procedure and an alternate procedure, as claimed by the Applicant.

On page 10 of the instant Office Action, the Examiner asserts that the control application releasing the pointer to the driver in Edholm is equivalent to "disabling a normal incoming packet procedure at the machine" as claimed by the Applicant. However, in Edholm, the control application 332 is releasing the pointer at the <u>transmission device</u> for <u>transmitting a packet</u>, and <u>not disabling normal incoming packet procedures at client 204</u>.

Thus, Edholm fails to disclose "disabling a normal incoming packet procedure at the machine in response to the level of the packet queue satisfying an entry condition and enabling an alternate incoming packet procedure at the machine" as claimed by the Applicant.

Further, on page 10 of the instant Office Action, the Examiner asserts that control application 216 of client 204 monitoring a bandwidth for data transfer in Edholm is equivalent to monitoring a level of a packet queue of a protocol stack at a machine as claimed by the Applicant. The Applicant respectfully disagrees.

First, Edholm does not disclose "monitoring" a bandwidth. Edholm discloses "negotiating" a bandwidth ([0026]). Once this "negotiated" bandwidth is determined, then data is transmitted at this bandwidth rate by the transmitting device ([0032]). However, Edholm fails to disclose that communications between network 208 and client 204 are monitored.

Assuming for the moment that Edholm monitors a bandwidth, monitoring a bandwidth is not the same as monitoring the level of a packet queue of a protocol stack at the receiving device. Edholm does not disclose "a packet queue of a protocol stack" at client 204. Further, Edholm does not disclose "monitoring a level" of such a packet queue at client 204. As discussed above, protocol stack 324 in Figure 3 of Edholm is located at the transmitting device, not at client 204.

Thus, Edholm fails to disclose "receiving packets at a machine, wherein packets received at the machine are indicated to a protocol stack at the machine; monitoring a level of a packet queue of the protocol stack at the machine" as claimed by the Applicant.

Thus, Edholm fails to disclose at least one of the expressly recited limitations of claim 1. Accordingly, the present invention is not anticipated by Edholm. Independent claims 22, 25, and 30 distinguish for at least the same reasons as claim 1. Claims 2-21, 23-24, 26-29 and 31-34 are dependent claims and distinguish for at least the same reasons as

their independent base claims in addition to adding further limitations of their own.

Therefore, the Applicant respectfully requests that the instant § 102 rejections be withdrawn.

Conclusion

The Applicant submits that in view of the amendments and remarks set forth herein,

all pending claims are in condition for allowance. Therefore, the Applicant respectfully

requests the Examiner to issue a Notice of Allowance in this case.
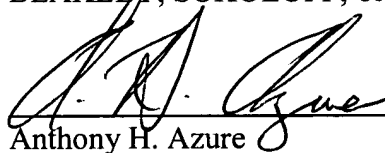
Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be

due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: May 6, 2005

Anthony H. Azure
Reg. No. 52,580
Phone: (206)-292-8600 x311